

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Roxanne Lynne Herceg**  
Debtor(s)

Bankruptcy Case No.: 17-21194-TPA  
Per October 5, 2017 proceeding  
Chapter: 13  
Docket No.: 29 – 5, 17  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 28, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$603.00 as of October 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Municipality of Bethel Park (Claim No. 6) .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: October 12, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Roxanne Lynne Herceg  
 Debtor

Case No. 17-21194-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: lmar  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 29

Date Rcvd: Oct 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 14, 2017.

db +Roxanne Lynne Herceg, 5465 Spruce Street, Bethel Park, PA 15102-2607  
 cr +Municipality of Bethel Park, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,  
 Frick Building, Pittsburgh, PA 15219-6101  
 14390212 +Bethel Park Borough-Sewage, c/o Jordan Tax, 102 Rahway Road,  
 McMurray, Pennsylvania 15317-3349  
 14390213 +Citizens Bank, 525 William Penn Place, Pittsburgh, Pennsylvania 15219-1727  
 14390214 Comcast-Xfinity, PO BOX 3001, Southeastern, Pennsylvania 19398-3001  
 14390217 Fingerhut Direct Marketing, c/o Jefferson Capital System, 15 Mcleland Road,  
 Saint Cloud, Minnesota 56303  
 14390218 +First Premier Bank, 3820 N. Louise Ave, Sioux Falls, South Dakota 57107-0145  
 14419242 +Ginny's, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849  
 14390219 +Grass Master Landscaping, 615 Ann St., Monongahela, Pennsylvania 15063-2114  
 14390220 +JPMorgan Chase Bank, National Association, c/o 3415 Vision Drive, Columbus, Ohio 43219-6009  
 14420076 +K. Jordan, c/o Creditor Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849  
 14390221 +KML Law Group, P.C., Mellpn Independence Center- Suite 5000, 701 Market Street,  
 Philadelphia, Pennsylvania 19106-1538  
 14521160 +Municipality of Bethel Park, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101  
 14390223 +Progressive Insurance, c/o Caine & Weiner, 15025 Oxnard Street- Suite 100,  
 Van Nuys, California 91411-2640  
 14390224 +Seventh Avenue, 1515 S 21st Street, Clinton, Iowa 52732-6676  
 14420228 +Seventh Avenue, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849  
 14420227 +Stoneberry, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849  
 14390225 +Verizon Pennsylvania Inc, 500 Technology Drive, Weldon Spring, Missouri 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14390216 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 13 2017 01:24:01 Comenity Bank,  
 c/o Portfolio Recovery, 120 Corporate Blvd, Norfolk, Virginia 23502-4952  
 14390215 +E-mail/Text: bankruptcydpt@mcsmc.com Oct 13 2017 01:18:43 Comenity bank,  
 c/o Midland Funding, LLC, 2365 Northside Driv, Suite 300, San Diego, California 92108-2709  
 14659164 E-mail/Text: JCAP\_BNC\_Notices@jcap.com Oct 13 2017 01:18:55 Jefferson Capital Systems LLC,  
 Po Box 7999, Saint Cloud Mn 56302-9617  
 14661722 E-mail/PDF: resurgentbknottifications@resurgent.com Oct 13 2017 01:23:58  
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 14655242 +E-mail/Text: bankruptcydpt@mcsmc.com Oct 13 2017 01:18:43 MIDLAND FUNDING LLC,  
 PO BOX 2011, WARREN, MI 48090-2011  
 14664261 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 13 2017 01:35:06  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14390222 +E-mail/Text: csc.bankruptcy@amwater.com Oct 13 2017 01:19:06 Pennsylvania American Water,  
 PO Box 578, Alton, IL 62002-0578  
 14660115 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Oct 13 2017 01:18:55 Premier Bankcard, Llc,  
 c/o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999  
 14634055 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Oct 13 2017 01:23:33 Verizon,  
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901  
 14390226 +E-mail/Text: bnc-bluestem@quantum3group.com Oct 13 2017 01:19:02 WebBank/Fingerhut,  
 6250 Ridgewood Road, Saint Cloud, Minnesota 56303-0820  
 14650236 +E-mail/Text: bankruptcy@firstenergycorp.com Oct 13 2017 01:18:50 West Penn Power,  
 5001 NASA Blvd, Fairmont WV 26554-8248

TOTAL: 11

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

TOTALS: 1, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 14, 2017

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: lmar  
Form ID: 149

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Total Noticed: 29

Date Rcvd: Oct 12, 2017

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 12, 2017 at the address(es) listed below:

Catherine T. Martin on behalf of Debtor Roxanne Lynne Herceg martinc@nlsa.us  
James Warmbrodt on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
bkgroup@kmlawgroup.com  
Jeffrey R. Hunt on behalf of Creditor Municipality of Bethel Park jhunt@grblaw.com,  
cnoroski@grblaw.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5